

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1176.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF PEERLESS HORSE FEED.

On April 19, 1911, the United States Attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed information in the District Court of the United States for said district against F. L. Kidder & Co., alleging shipments by said company, in violation of the Food and Drugs Act, on or about March 19, 1910, from the State of Illinois into the State of Indiana, of consignments of stock feed which were misbranded. Each consignment was labeled as follows: (On sack) "F. L. Kidder & Co. 100 lbs. Peerless Horse Feed, Corn & Wheat Bran, Paris, Ill. Protein 10%, fat 4%." (On tag) "No. 2449. 100 pounds. F. L. Kidder & Co. of Paris, Ill. guarantees this Peerless Hominy Feed to contain not less than 7.5 per cent of crude fat, 8.5 per cent of crude protein and to be compounded from the following ingredients: Corn product."

Analysis made by the Bureau of Chemistry of the United States Department of Agriculture of samples of said product taken from each consignment showed one consignment, designated I. S. 17256-b, to contain moisture 6.80 per cent, ether extract 3.08 per cent, protein 9.04 per cent, and crude fibre 6.74 per cent; and the sample from the consignment designated I. S. 17257-b to be corn and wheat bran and to contain 3.04 per cent ether extract, 7.47 per cent protein, and 9.86 per cent moisture. The information contained six counts charging misbranding, but when the case came on for trial a nolle prosequi was entered by the District Attorney as to all of said counts except the first and fourth. Misbranding was alleged in the first count for the reason that the label falsely represented the product to contain 10 per cent protein and 4 per cent fat, when in fact it contained 7.47

per cent protein and only 3.04 per cent fat. Misbranding was alleged in the fourth count for the reason that the label falsely represented the product to contain 10 per cent protein and 4 per cent fat, when in fact it contained only 9.04 per cent protein and only 3.08 per cent fat.

On September 6, 1911, the defendant company pleaded guilty to counts one and four and was fined \$25 on each of said counts and costs.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *October 25, 1911.*

1176

